

March 3, 2017

What is the Medical Board?

The Mississippi State Board of Medical Licensure is defined in state statute (MS Code 73-43-1, et seq). The Board is composed of nine physicians, all graduates of US medical schools (allopathic or osteopathic). These physicians must have a minimum of six years of clinical experience *in the practice of medicine*.

These physicians are appointed to the Board by the governor, subject to advice and consent of the senate at the next regular session of the legislature. Each Board member serves a term of six years and may be reappointed. The governor receives three nominations for each vacancy from the Mississippi State Medical Association ("MSMA"). Diverse representation is achieved by two means:

- 1) MSMA nominations shall give due regard to geographic distribution, race and sex.
- 2) Limitations on where these appointees are from: a) no more than two members of the Board shall be a member of the faculty of the University of Mississippi School of Medicine and b) no more than four members of the Board shall be from the same Mississippi Supreme Court district.

MS Code §73-43-3 ([http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/\\$FILE/072014Laws.pdf?OpenElement](http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/$FILE/072014Laws.pdf?OpenElement))

Each Board member is sworn in using the following oath:

I, [physician name] do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of [Board Member, Mississippi Board of Medical Licensure] that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

The Board also has an Executive Committee ("EC") consisting of a President, Vice-President, and Secretary chosen by the members of the Board. The EC has broad authority including the "authority to execute all the powers vested in the Board, in the interim of the meetings of the Board. The executive committee shall have the authority to conduct licensure hearings pursuant to Section 73-25-27, provided that the power to revoke shall be subject to approval of the Board."

The Board also has consumer members. Each of these members has full access to Board information and deliberations. Consumer members may neither vote nor hold office but their comments are often persuasive and insightful.

The Board *appoints* an Executive Director ("ED"). The ED must possess the "necessary qualifications and experience to enable him to carry out the duties required by the office." The ED has operation responsibility for all three divisions of the agency- licensure, investigation, and information technology. Similar to the EC the ED has broad discretionary authority and shall be "vested with all the authority of the Board when it is not in

session, and he shall be subject to such rules and regulations as may be prescribed by the Board.” Although the ED *may* act on behalf of the Board *all* actions by the ED are subject to Board scrutiny and possible rescission.

MS Code §73-43-13

([http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/\\$FILE/072014Laws.pdf?OpenElement](http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/$FILE/072014Laws.pdf?OpenElement))

Goal of the Board

The goal of the Board is to educate physicians, physician assistants, radiologist assistants, and acupuncturists, as well as the general public. (<http://www.msbml.ms.gov/msbml/web.nsf/>)

Objectives of the Board

The Board's primary objective is to ensure the protection of the health, safety and welfare of Mississippians through implementation and enforcement of laws involving the licensing and regulation of physicians, podiatrists, physician assistants, radiology assistants and acupuncturists and through the objective enforcement of the Mississippi Medical Practice Act. (<http://www.msbml.ms.gov/msbml/web.nsf/>)

Finally, the Board is charged with the following duties and responsibilities:

- (a) Setting policies and professional standards regarding the medical practice of physicians, osteopaths, podiatrists and physician assistants practicing with physician supervision;
- (b) Considering applications for licensure;
- (c) Conducting examinations for licensure;
- (d) Investigating alleged violations of the medical practice act;
- (e) Conducting hearings on disciplinary matters involving violations of state and federal law, probation, suspension and revocation of licenses;
- (f) Considering petitions for termination of probationary and suspension periods, and restoration of revoked licenses.
- (g) To promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of medicine;
- (h) To enter into contracts with any other state or federal agency, or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest and in the furtherance of its responsibilities; and
- (i) Perform the duties prescribed by Sections 73-26-1 through 73-26-5. [physician assistant statutes]

MS Code §73-43-11 ([http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/\\$FILE/072014Laws.pdf?OpenElement](http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/$FILE/072014Laws.pdf?OpenElement))

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